



CITY OF BURTON

ZONING BOARD OF APPEALS

SEPTEMBER 15, 2022

Council Chambers

Regular Meeting

5:00 PM

**4303 S. CENTER ROAD
BURTON, MI 48519**

ATTENTION APPLICANT:

In order to prove you are entitled to a variance, you should be prepared to show how your property meets the conditions listed:

1. The difficulty must be unique to your property and not generally shared by others in the same zoning district, and would constitute a hardship.
2. The variance will not adversely affect the public health, safety and welfare, or be contrary to the spirit and intent of the Ordinance.

The burden of demonstrating that the above conditions exist on your property falls on you, the applicant. The Zoning Board of Appeals will not argue or present your case for you.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

C. STAFF PRESENT

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Aug 18, 2022 5:00 PM

E. VARIANCE

1. ZBA #22-16
By: Vash Investment Group
4040 E. Bristol Rd., Burton MI 48519

Re: 4244 E. Bristol Rd., Burton MI 48519
59-34-100-012, Zoned C-2, SE

For: To conduct an M-1 special use in a C-2, SE zone, for warehouse storage units
1200-1500 sq ft units.
2. ZBA #22-17
By: Jess Whitney
4448 E. Bristol Rd., Burton MI 48519

Re: 4448 E. Bristol Rd., Burton MI 48519
59-34-200-025, Combining with Parcel 59-34-200-026 Zoned SE

For: To conduct an M-2 special use in a SE zone, for the outside storage of construction contractor's equipment only.

F. AUDIENCE PARTICIPATION

Now is the time set-aside for members of the audience to address the Zoning Board of Appeals. I would ask each individual to give their name and address for the record and to limit their comments to three (3) minutes and to speak on the topics germane to City business.

G. BOARD DISCUSSION

The next regularly scheduled meeting will be held on Thursday, October 20, 2022, at 5:00 p.m.



CITY OF BURTON

ZONING BOARD OF APPEALS

AUGUST 18, 2022

Council Chambers

Regular Meeting

5:00 PM

**4303 S. CENTER ROAD
BURTON, MI 48519**

This meeting was opened by Chairman Steve Welch at 5:01 PM.

A. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Vaughn Smith	Council Representative	Present	
Kevin Burge	Planning Representative	Present	
Gary Kautz	Alt. Commissioner	Excused	
Scott Hynes	Commissioner	Excused	
Tim Rapacz	Vice Chairperson	Present	
Michaeline Ward-Terry	Commissioner	Present	
Steve Welch	Chairman	Present	
Joey Richvalsky	Alt. Commissioner	Present	
Rick Fuhst	Commissioner	Present	

C. STAFF PRESENT

Leandra Swayne, DPW Records Tech
Katie Malin, Clerk's Office
Joy Roe, Clerk's Office

D. AUDIENCE PARTICIPATION

None.

E. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Jul 21, 2022 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Michaeline Ward-Terry, Commissioner
SECONDER:	Rick Fuhst, Commissioner
AYES:	Smith, Burge, Rapacz, Ward-Terry, Welch, Richvalsky, Fuhst
EXCUSED:	Kautz, Hynes

F. VARIANCE

1. ZBA #22-15
By: Hassan Daher
6057 N. Evangeline St., Dearborn Heights, MI 48127

Minutes Acceptance: Minutes of Aug 18, 2022 5:00 PM (Approval of Minutes)

Re: 3030 E. Atherton Rd., Burton, MI 48529
59-28-501-003, Lots 5 thru 8, Zoned C-2

For: To conduct an M-1 use in a C-2 zone, for auto dealership

Attorney Adam Mourtada, on behalf of the Daher Holdings, 13265 Michigan Ave.
Dearborn Michigan 48126.

Mrs. Swayne stated some history about the property, the layout of the current structure on the property, and the owner owns a vacant parcel facing Myrton right behind it that is not part of the variance tonight.

Mr. Welch clarifies the vacant parcel is not going to be taken into consideration for parking.

Mrs. Swayne agrees and stated, that parcel is not included in the variance.

Mrs. Swayne asked the applicant, are the cars going to be facing Atherton or Myrton? Are they going to be inside all the time or are they going to be pulled out and then pulled back in?

Mrs. Swayne also stated that it would be logical to have them facing Atherton instead of Myrton, so they aren't facing the residential road. She further states they are required to have eight parking places based on the one parking place for every 400 square feet of the building. Every car must be in a parking spot at all times. Placing the for auto dealership behind the variance means that another M1 use won't be able to be at this location under the variance. She suggests if this variance is approved, the stipulation should be added, as long as the facility stays in conjunction with the auto repair shop that is already there.

Attorney Mourtada states the vehicles will not be placed outside. His understanding is they will be inside the property while being repaired, they will find a buyer, then when the buyer shows up, they will park it outside and finish the transaction. He told his client about the restrictions and that he can't be parking the vehicles outside or he will be fined.

Discussion ensues about the surface of where the cars are going to be parked, the procedure of what happens when multiple vehicles are being worked on and can't be moved, the number of employees and parking spots already taken, storage, and excess inventory.

Mr. Welch asks is it going to be a problem regulating which cars they are selling, and which are they working on?

Mrs. Swayne stated as long as the cars are being placed in a parking spot, on an approved parking surface, not in disrepair or junk vehicles sitting out anywhere other than in a parking space, because that is the only time code enforcement would have to enforce an inoperable vehicle or vehicle not parked in an actual parking space.

Discussion ensued about the procedure of how the owner will mark vehicles for sale.

Mr. Richvalsky stated it's been a mechanics shop since it was built, was it specifically

designated for that use at that time when they built it? It was never built as a retail or dealership at all, they never sold cars there, they just repaired them, correct?

Mrs. Swayne answered that is correct, a service garage and it was a non-conforming right that was formed at that time in the 80s.

Mr. Richvalsky asked when that property became vacant did that use become obsolete and can no longer be used as that or was it specific to that owner for that precise use?

Mrs. Swayne stated she would have to look that up, in the 80s it was Watson Front End Repair and now it is H Tech and it is in there as an admin site plan review in '08 for that use, for a new business coming in.

Mr. Richvalsky stated it was approved for that change of ownership. It was the same kind of facility, they pulled them in and out and nobody parking outside.

Mr. Welch stated that's why this variance is to conduct an M1 use in a C2 zone with the admin stipulation that they have to continue with the use and repair, they can't just sell cars.

Discussion ensued about how many cars will fit in the building, clarification that the owner wants to fix and sell cars at the same time, parking spots, expanding the parking lot to the vacant lot, whether it is a full-time business or a hobby/part-time business, what type of vehicles would he be selling, and what type of cliental would the owner be going after.

Mr. Welch stated would there be a day that he would have to show five or six cars and have them parked on the side street along the road.

Attorney Mourtada said no. I told him specifically that is not an option.

Mr. Smith stated that his concern is when it gets busy and they have blockages, he likes Mr. Richvalsky's idea about expanding the parking lot first, but the traffic jams once he gets busy are a concern.

Mr. Richvalsky stated the combining of the two lots would make it easier for the board to make that kind of decision. There are too many loose ends to make a decision about what he wants because it's permanent.

Discussion ensues about the congestion, constant moving of vehicles, cars being on the side road, and the policing of the vehicles.

Mr. Burge stated when a car dealer gets a deal, he is getting it. He could go from 10 to 200 vehicles. He can't see having two or three cars waiting for parts, having seven ready, where is he going to put them.

Mr. Welch asks the administration would it be improper to put the stipulation that he has to combine the two lots first?

Mrs. Swayne stated it is not part of the request right now, so the applicant would have to come before you again.

Discussion ensued about the vacant lots and whether they are suitable to be combined with this variance, and the correct zoning of the property.

Mrs. Ward-Terry re-stated the motion with the contingency that it is the auto repair shop and the other is secondary. That he is not to have vehicles that are inoperable parked around anywhere on the parking lot. He is to have only vehicles that he is ready to sell when they are ready to go. Any vehicles must stay inside, they can't have inoperable vehicles outside.

RESULT:	FAILED [2 TO 5]
MOVER:	Kevin Burge, Planning Representative
SECONDER:	Joey Richvalsky, Alt. Commissioner
AYES:	Welch, Fuhst
NAYS:	Smith, Burge, Rapacz, Ward-Terry, Richvalsky
EXCUSED:	Kautz, Hynes

G. BOARD DISCUSSION

Zoning Board of Appeals discussed training opportunities.

The next regularly scheduled meeting will be held on Thursday, September 15, 2022, at 5:00 p.m.

Minutes Acceptance: Minutes of Aug 18, 2022 5:00 PM (Approval of Minutes)



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 5483)

Meeting: 09/15/22 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Leandra Swayne
Department Head: Charles Abbey

E.1

DOC ID: 5483

ZBA #22-16

By: Vash Investment Group
4040 E. Bristol Rd., Burton MI 48519

Re: 4244 E. Bristol Rd., Burton MI 48519
59-34-100-012, Zoned C-2, SE

For: To conduct an M-1 special use in a C-2, SE zone, for warehouse storage units
1200-1500 sq ft units.

ATTACHMENTS:

- Backup 22-16 (PDF)



City of Burton
 Department of Public Works
 4093 Manor Drive
 Genesee County, Burton, Michigan 48519
 (810) 742-9230

Date Filed: 8.16.2022
 Fee Paid: 450
 Receipt #: _____
 Check #: 117
 Received by: [Signature]
 Date Mailed: _____

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

ZBA Case #: 22-16 5 Votes Required

DATE OF ZONING BOARD OF APPEALS HEARING: SEPT. 15, 2022 AT 5 P.M.

PLEASE PRINT

APPLICANTS NAME: VASH INVESTMENT GROUP

APPLICANTS ADDRESS: 4040 E. BRISTOL

CITY: BURTON MI 48519

APPLICANTS PHONE: 810-730-8500

APPLICANTS EMAIL: WCLARK2794@AOL.COM

ADDRESS AND PARCEL OR LOT NUMBER: 4244 E. BRISTOL

NOTE: ZBA meets on the 3rd Thursday of each month. All applications and associated drawings must be on file at least six (6) weeks prior to the meeting. Notification of property within 300' must be postmarked at least 15 days prior to the meeting. Including publication in local newspaper.

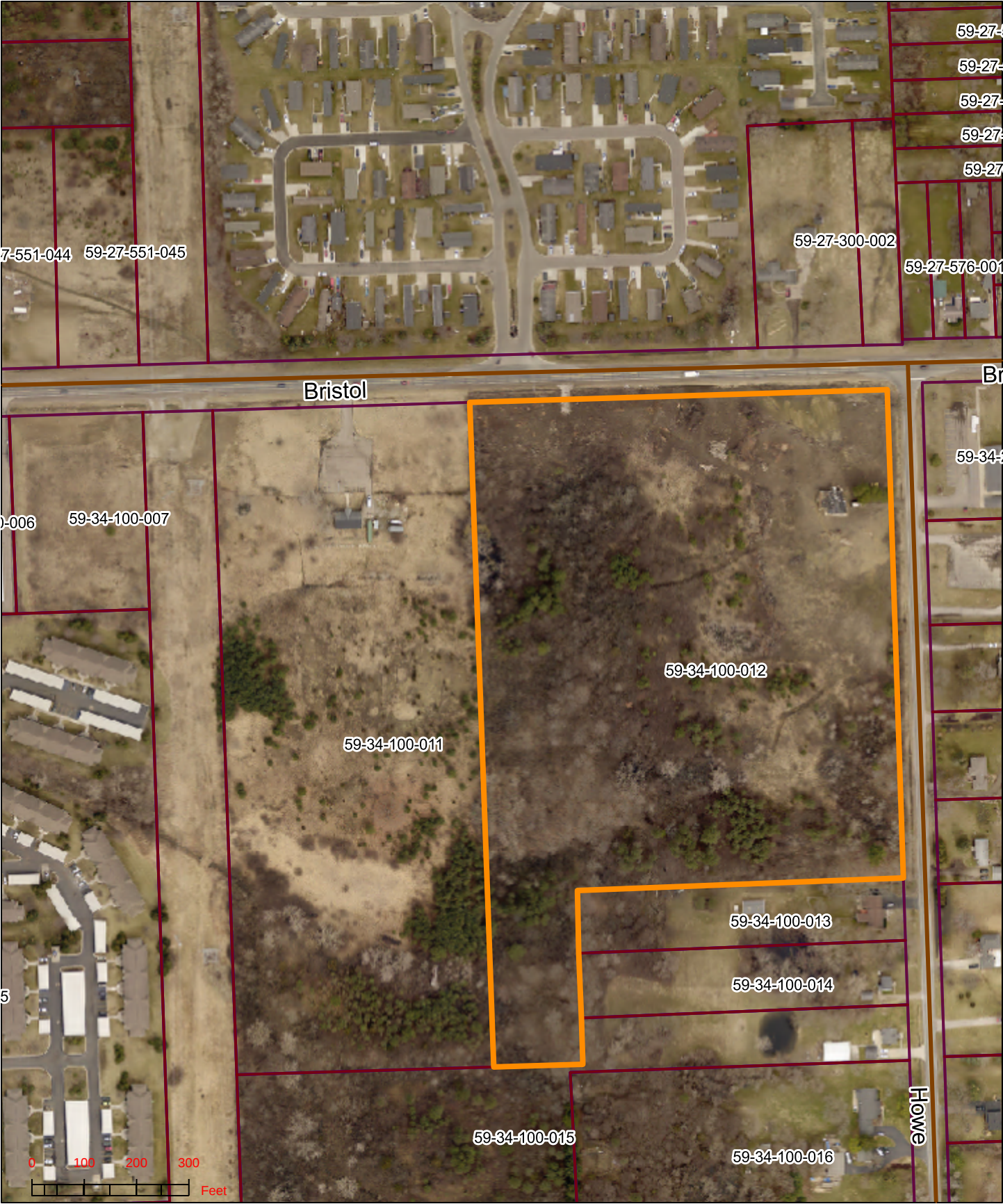
VARIANCE REQUESTED: M-1 USE WITH A SPECIAL USE IN A
C-2 ZONE AND SE ZONE FOR WAREHOUSE STORAGE UNITS
1200-1500 sqft.

I hereby certify that the proposed application is authorized by the owner of record and that I have been authorized by the owner to make this application as his agent. I agree the statements made on the attached application are true, and if found not to be true, any permit that may be issued may be void. Further, I agree to give permission to officials of the City of Burton to enter the property subject to this permit application for the purposes of inspections. Further I understand that this is an application and any fees paid will not be refundable regardless of the decision of the Commission. Mandatory attendance at the above meeting is acknowledged.

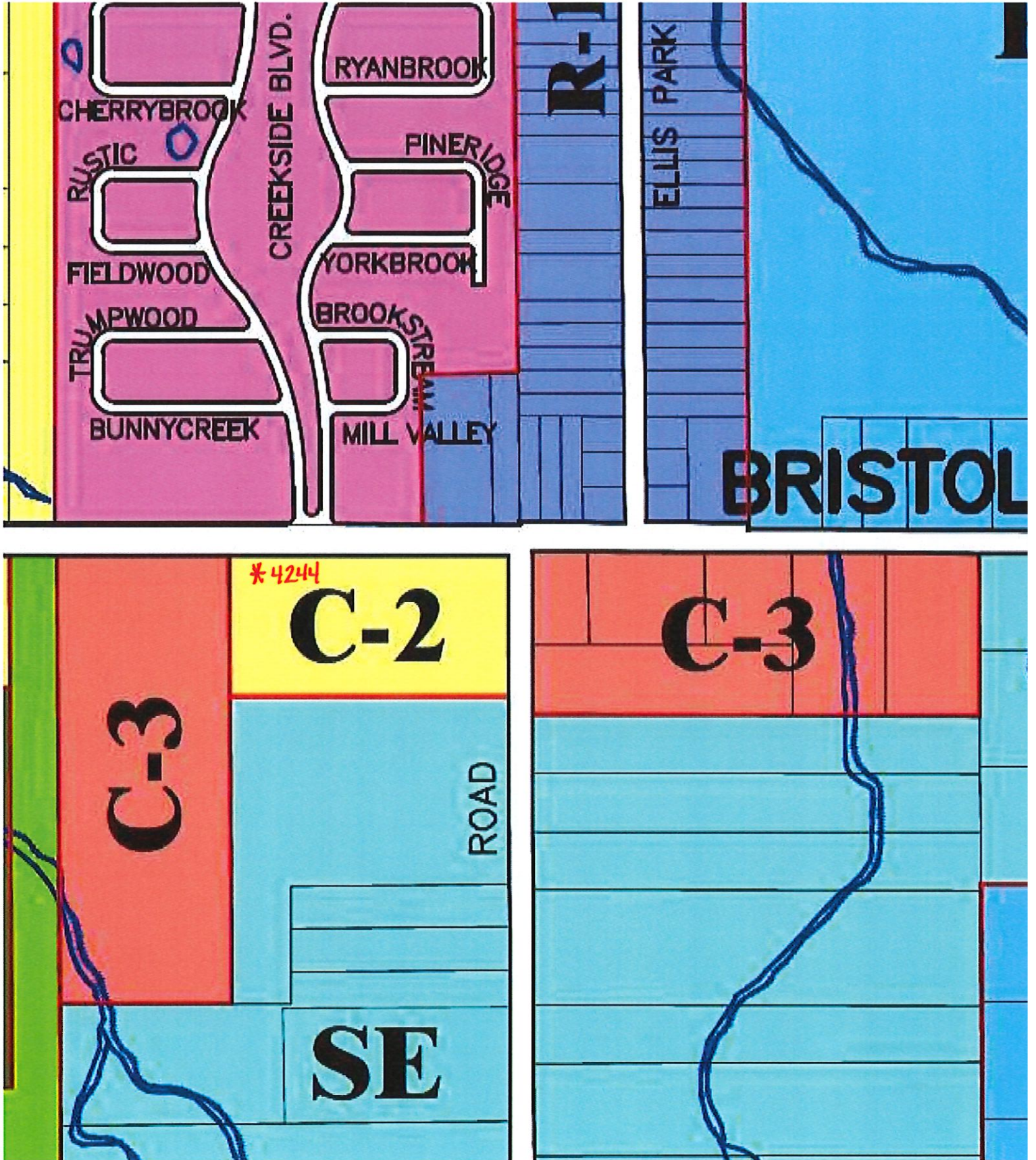
APPLICANTS SIGNATURE: [Signature]

Attachment: Backup 22-16 (5483 : ZBA #22-16)

BURTON



Attachment: Backup 22-16 (5483 : ZBA #22-16)



Attachment: Backup 22-16 (5483 : ZBA #22-16)



Burton Zoning Board of Appeals

4303 S. Center Road
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 5484)

Meeting: 09/15/22 05:00 PM
Department: Department of Public Works
Category: Variance
Prepared By: Leandra Swayne
Department Head: Charles Abbey

E.2

DOC ID: 5484

ZBA #22-17

By: Jess Whitney
4448 E. Bristol Rd., Burton MI 48519

Re: 4448 E. Bristol Rd., Burton MI 48519
59-34-200-025, Combining with Parcel 59-34-200-026 Zoned SE

For: To conduct an M-2 special use in a SE zone, for the outside storage of
construction contractor's equipment only.

ATTACHMENTS:

- Backup 22-17 (PDF)



City of Burton
Department of Public Works
4093 Manor Drive
Genesee County, Burton, Michigan 48519
(810) 742-9230

Date Filed: 8-17-2022
Fee Paid: 250
Receipt #: _____
Check #: 2700
Received by: J. Wayne
Date Mailed: _____

APPLICATION FOR ZONING BOARD OF APPEALS HEARING:

ZBA Case #: 22-17 5 Votes Required

DATE OF ZONING BOARD OF APPEALS HEARING: SEPT. 15, 2022 AT 5 P.M.

PLEASE PRINT

APPLICANTS NAME: Jess Whitney

APPLICANTS ADDRESS: 4448 E, Bristol Rd

CITY: Burton

APPLICANTS PHONE: 248 882 1599

APPLICANTS EMAIL: Jess A Whitney 91 @ gmail.com

ADDRESS AND PARCEL OR LOT NUMBER: 4448 E, Bristol Rd # 5934200-0
combining 5934200-026

NOTE: ZBA meets on the 3rd Thursday of each month. All applications and associated drawings must be on file at least six (6) weeks prior to the meeting. Notification of property within 300' must be postmarked at least 15 days prior to the meeting. Including publication in local newspaper.

VARIANCE REQUESTED: I Jess Whitney I'm requesting that
my residents 4448 E, Bristol Rd Burton can safely and
quietly house my personal commercial vehicles via my 35 foot
wide barn driveway with minimal to no obstruction of my neighbors

I hereby certify that the proposed application is authorized by the owner of record and that I have been authorized by the owner to make this application as his agent. I agree the statements made on the attached application are true, and if found not to be true, any permit that may be issued may be void. Further, I agree to give permission to officials of the City of Burton to enter the property subject to this permit application for the purposes of inspections. Further I understand that this is an application and any fees paid will not be refundable regardless of the decision of the Commission. Mandatory attendance at the above meeting is acknowledged.

APPLICANTS SIGNATURE: [Signature]

Attachment: Backup 22-17 (5484 : ZBA #22-17)

APPLICANT:

Please explain your hardship or reason this variance is needed and attach to the application. Any information provided to the board will be public information and will be given to the board approximately 2 weeks prior to the meeting.

I Jess A, Whitney live at 4448, E bristol Rd in the city of Burton, I have 57 acres and a 5000 sqft barn on the same property with a 35 foot driveway that leads to the barn and around the barn there is a parking lot made of 21A limestone that I park my commercial vehicles at or I park them in the barn in the winter mostly I respect my neighbors and there concern with noise pollution so my neighbors and I always talk to make sure there happy and I'm not causing any problems I've been parking commercial vehicles at my house since I moved in there 10 years ago and This has just become a problem just over a year ago so I ask all parties involved who's decision this is to let me continue parking my trucks at my house behind my barn were from the average eye they would never know they were there I respect the process of this variance and I hope we can find common ground

Attachment: Backup 22-17 (5484 : ZBA #22-17)





E.2.a

Attachment: Backup 22-17 (5484 : ZBA #22-17)

